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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,494	11/19/2001	Alex P. Weaver	WEAVER.PT1	5181

7590 03/24/2003

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EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,494

Applicant(s)

WEAVER, ALEX P.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 21 on paragraph 29.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two mortise corners being round in Figure 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities:

regarding claim 1, the limitation --top-- should be inserted after "gusset" in line 8 and --the-- should be inserted before "second" in line 21. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, the meets and bounds of the claim is unclear since claim 3 recites that the first mortise corner or the second mortise corner is square-edged while claim 5 recites that the first mortise corner and the second mortise corners are rounded. Therefore, is it unclear whether the first mortise corner or the second mortise corner is still square-edged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Scarlett, 2,486,987 (see marked-up attachment).

Regarding claim 1, Scarlett discloses in Figures 5 and 8 a double locking mortise joint comprising a first member **A1** and a second member **31**.

The first member **A1** has a first mortise **18**, a first contact surface **A7**, and a second contact surface **A8**. The first mortise **18** is generally perpendicularly with respect to an axis **A3** of the first member **A1**. The first mortise **18** has a gusset top **14**, a head bottom **A5** and a first mortise end **A6**. The gusset top **14** extends generally perpendicularly outward with respect to the axis **A3**. The head bottom **A5** is opposite to and generally parallel to the gusset top **14**. The first mortise end **A6** is generally parallel to the axis **A3** and connects the gusset top **14** and the head bottom **A5**. The second contact surface **A8** is next to the first mortise end **A6**.

The second member **31** has a second mortise **32**, a top surface **A13**, and a bottom surface **A14**. The second mortise **32** has two opposing sides **A11** being generally parallel to each other. The second mortise end **A12** connects the sides **A11**. The top surface **A13** and the bottom surface **A14** are next to the second mortise end **A12**.

Regarding claim 2, the head bottom **A5** is not longer in length than the gusset top **14**.

Regarding claim 3, the first mortise **18** further comprises a first mortise corner **A15** and a second mortise corner **A16**. The first mortise corner **A15** is located between the first mortise end **A6** and the head bottom **A5**. The second mortise corner **A16** is located between the first mortise end **A6** and the gusset top **14**. The first mortise corner **A15** or the second mortise corner **A16** is square-edged.

Regarding claim 4, the first mortise corner **A15** and the second mortise corner **A16** are square-edged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scarlett, 2,486,987, in view of Stafford, D331,511.

Regarding claim 5, as best understood, Scarlett, as described above, fails to disclose the first mortise corner **A15** and the second mortise corner **A16** being rounded. Stafford teaches in Figure 6 a first mortise corner and a second mortise corner being rounded; however, Stafford fails to mention the purpose of the rounded corners. It appears that the corners being rounded allow a second member being round and the corners conform to the round edge of the second member. Therefore, as taught by Stafford, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the corners be rounded to allow a second member being rounded.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarlett, 2,486,987, in view of Haug, 3,940,100.

Regarding claim 6, Scarlett, as discussed above, fails to disclose the first member **A1** and the second member **31** respectively being a table leg and a corner of a tabletop. Haug teaches in Figure 3 a first member **10C** being a table leg and the second member **10A** being a corner of a tabletop to make a table for sphere-shaped object. Therefore, as taught by Haug, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the first object a table leg and the second member a corner of a tabletop to make table for a sphere-shaped object.

Regarding claim 7, Scarlett disclose the first member **A1** comprises an inner side **A17** and an outer side **A18**. The inner side **A17** is substantially parallel to the outer side **A18**.

Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scarlett, 2,486,987, in view of Haug, 3,940,100, and further in view of Seydewitz, 919,257.

Regarding claim 8, Scarlett, as modified by Haug, fail to disclose the inner side **A17** and the outer side **A18** have an equal curvature. It would have been obvious matter of design choice to modify the inner side and the outer side to have an equal curvature. Since applicant has not disclosed that the specific curvature of the first member solves any stated problem or is for any particular purpose, it appears that the first member would perform equally well with any suitable curvature. Seydewitz teaches an inner surface and an outer surface have an equal (the same) curvature.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elmer, Carpos, Exline et al., and Blake show a similar double locking mortise joint.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600

E.G.

March 17, 2003

Attachment: one marked-up page of Scarlett, 2,486,987.

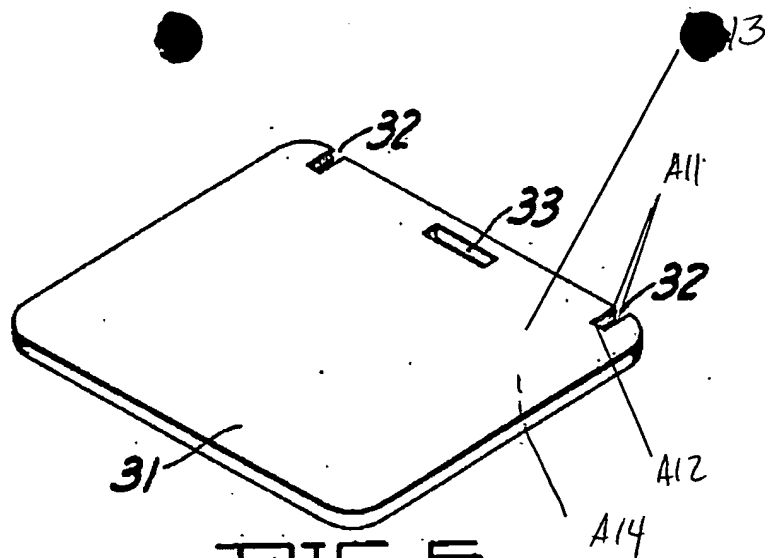


FIG. 5

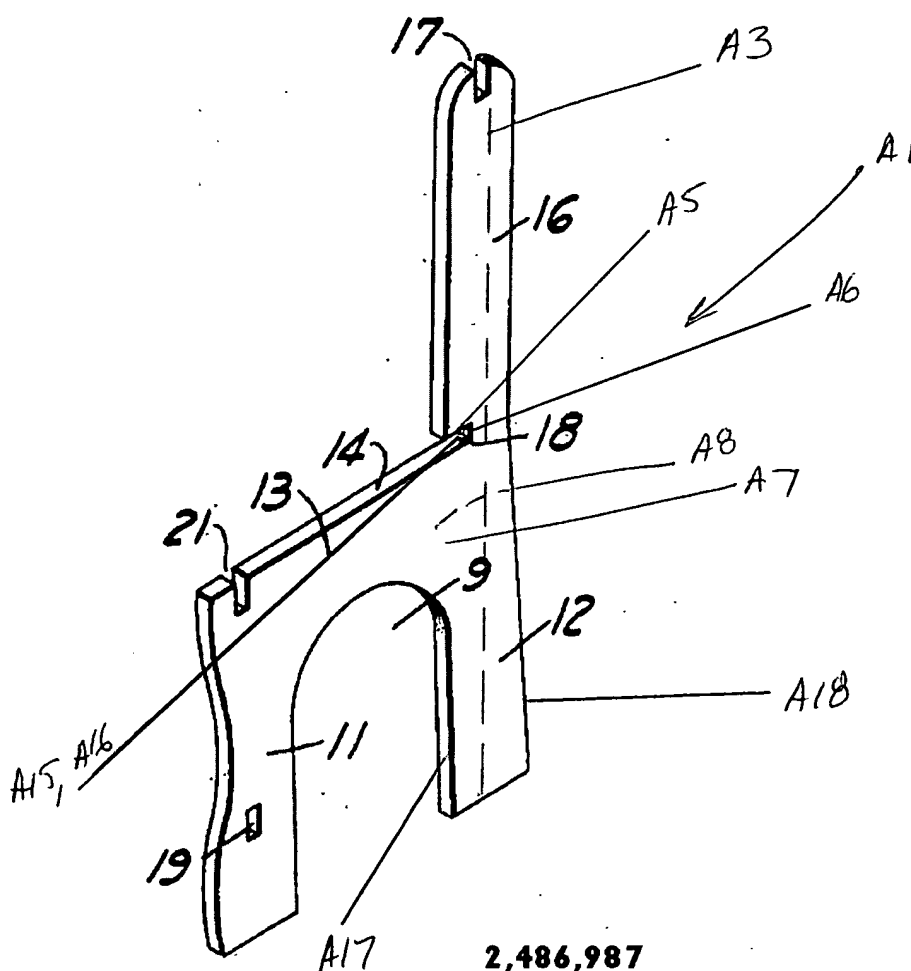


FIG. 8

2,486,987